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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,908	11/07/2001	Gero Offer	112740-247	1518
29177	7590	06/23/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			CANGIALOSI, SALVATORE A	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			3621	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,908	OFFER, GERO	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Ginter et al (6658568) in view of Yoshikawa et al (6249532) or Garneau et al (5497420).

Regarding claim 1, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program substantially as claimed. (Note West et al show a more detailed parental supervision viewing control (See Cols. 1-5 for a survey of parental viewing control) The differences between the above and

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the claimed invention is the use of specific transmission of a decoding key. It is noted that it is believed that the permit code are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well established pay per view based television transaction methods. Either Yoshikawa et al (element 301) or Garneau et al (See Fig. 1, Col. 6, lines 25-40) show encryption keys transmitted over a network in a television scrambling billing method. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the decoding data permit codes and encryption keys are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a scrambling method. Regarding the charging limitations of claim 2, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program which is a functional equivalent of the claim limitations. Regarding the charging limitations of claim 3, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a

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fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program which is a functional equivalent of the claim limitations because if insufficient funds are present, notice is always given as a standard business practice. Regarding the user limitations of claim 4, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program which is a functional equivalent of the claim limitations. Regarding the user limitations of claim 5, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program which is a functional equivalent of the claim limitations. Regarding the information limitations of claim 6, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose method for requesting a pay per view program in a television set via a communication link, pay a fee

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by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program pay a fee by a specific user and upon fee transfer, sending decode data to permit the user to descramble the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations. Regarding claim 7, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program substantially as claimed. (Note West et al show a more detailed parental supervision viewing control (See Cols. 1-5 for a survey of parental viewing control) The differences between the above and the claimed invention is the use of specific transmission of a decoding key. It is noted that it is believed that the permit code are functionally equivalent to the claimed limitations and that the claim as drawn is readable on any the well established pay per view based television transaction methods. Either Yoshikawa et al (element 301) or Garneau et al (See Fig. 1, Col. 6, lines 25-40) show encryption keys transmitted over a network in a television scrambling billing method. It would have been obvious to the person having ordinary skill in this art to

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provide a similar arrangement for Ginter et al because the decoding data permit codes and encryption keys are conventional functional equivalents with respect to the claim limitations and their employment is a necessary component of validation and use in a scrambling means. Regarding the user limitations of claim 8, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program, pay a fee by a specific user including specific user data which is a functional equivalent of the claim limitations. Regarding the information limitations of claim 9, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose means for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program, sending decode data to permit the user to descramble the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations. Regarding the control limitations of claim 10, Ginter et al (See abstract, Figs. 1 and 13, Col. 29, lines 30-50, Col. 30, lines 30-50) disclose means

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for requesting a pay per view program in a television set via a communication link, pay a fee by a specific user and upon credit fee transfer, sending decode data to permit the user to descramble the program by a control device and preventing persons under 17 from viewing a program, sending decode data to permit the user to descramble the program by a control device which is remotely enabled which is a functional equivalent of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

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or faxed to (703)872-9306

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SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222